



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Kruthers, Heather H. (for Public Guardian – Conservator of the Estate)

Atty Motsenbocker, Gary L. (for Catherine Foin – Previous Co-Conservator of the Person)

Atty Amador, Catherine A. (for Susan Schlievert – Previous Co-Conservator of the Person and Objector)

**(1) Second and Final Account and Report of Successor Conservator; (2) Petition for Allowance of Compensation to Successor Conservator and Attorney; (3) and Distribution [Prob. C. 1860; 2620; 2623; 2630; 2942]**

<b>DOD: 12-4-11</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Account period: 7-1-10 through 12-4-11</b>	<p><b>Note:</b> Petition for Probate of Will and for Letters of Administration With Will Annexed; Authorization to Administer Under IAEA With Limited Authority filed by Susan Schlievert (daughter) in Case #12CEPR00333 is set for hearing on 5-29-12.</p> <p><b>Note:</b> Ms. Schlievert was originally represented by Atty Donald Lescoulie; however, per Substitution of Attorney filed 4-19-12, she is now represented by Atty Catherine A. Amador of Pascuzzi, Moore &amp; Stoker. Atty Amador filed a Declaration stating that due to a sudden health issue, Attorney Lescoulie was unable to sign the Substitution form.</p> <p>- Examiner notes that Atty Lescoulie's name does not appear on the Substitution and he was not served with notice of the Substitution. The Court may require clarification and service on Atty Lescoulie pursuant to CCP §284.</p> <p style="text-align: center;"><b>SEE PAGE 2</b></p>
		Accounting: \$ 290,426.45	
		Beginning POH: \$ 155,989.48	
		Ending POH: \$ 158,060.67	
		<b>Account period: 12-5-11 through 3-5-12</b>	
		Accounting: \$ 168,495.45	
		Beginning POH: \$ 158,060.67	
		Ending POH: \$ 78,355.48	
		(\$42,447.33 cash plus a vehicle, securities and an investment account)	
		Conservator: \$4,764.80	
		(25.25 Deputy hours @ \$96.00/hr and 30.80 Staff hours @ \$76.00/hr, itemized)	
		Attorney: \$2,460.00 (16.40 attorney hours @ \$150.00/hr, itemized, including 850 petition and accounting)	
		Costs: \$395.00	
		Bond fee: \$616.62 (ok)	
		<b>Petitioner prays for an Order:</b>	
		1. Approving, allowing, and settling the account and report as filed, and ratifying, confirming, and approving all acts and transactions of Petitioner relating to matters in the account;	
		2. Authorizing the conservator and attorney fees and commissions;	
		3. Authorizing payment of the bond fee; and	
		4. Authorizing distribution of the remaining cash of \$34,210.91 and other property on hand to the executor of the estate, Susan Schlievert, upon her appointment.	
		<b>Susan Schlievert, previous Co-Conservator of the Person, filed an Objection on 5-10-12.</b>	
		<b>SEE PAGE 2</b>	
<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	W	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
✓	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 5-10-12
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 1 - Foin</b>

**Susan Schlievert, previous Co-Conservator of the Person, filed an Objection on 5-10-12. Objector states** that pursuant to a Settlement Agreement (re Petitioner's 850 Petition) filed 10-18-11, Catherine, Elizabeth, and Owen were to deed their respective 25% interests back to the Conservatee; however, they have not done this, and the Successor Conservator has taken no action to enforce the Settlement Agreement or obtain compliance of the Order.

As a result,  $\frac{3}{4}$  of the value of the property is not part of the conservatorship estate, and Objector's inheritance will, therefore, be reduced by as much as \$50,000.00. If the  $\frac{3}{4}$  of the property currently held by Catherine, Elizabeth, and Owen is not returned to the conservatorship estate, the result will be an unfair distribution of the estate.

**Examiner Notes the following items re background:**

- Conservatee had four children: Susan, Catherine, Elizabeth, and Owen. Susan and Catherine were Co-Conservators of the Person and Estate, but were removed as to the Estate, and Public Guardian was appointed on 7-13-09. They remained Co-Conservators of the Person until Conservatee's death on 12-4-11.
- Public Guardian filed an 850 Petition on 3-25-11 that alleged that in 2004, Conservatee did not have capacity to: 1) deed a Santa Cruz property to Susan, or 2) to deed three 25% interests in the Fresno property to Catherine, Elizabeth, and Owen. (She retained a 25% interest that was part of the conservatorship estate, such that Conservatee and the three children were joint tenants.)
- A Settlement Agreement was reached and accepted by the Court on 10-18-11; however, it only addressed the Fresno property interests. It did not address the Santa Cruz property.
- The Settlement Agreement provided that Catherine, Elizabeth, and Owen shall deed their interests (25% each) back to the Conservatee by grant deed, but that they would retain their 25% interests in the property or the sale proceeds therefrom. However, if needed for the Conservatee's care during her lifetime, all sale proceeds could be used for her care.
- According to this final accounting, the Conservatee's 25% interest in the Fresno property reverted to the joint tenants upon the death of the Conservatee and therefore is not included in the proposed distribution to the estate. The Santa Cruz property was not part of the conservatorship, and therefore is not addressed.

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**NEEDS/PROBLEMS/COMMENTS (Cont'd):**

1. **Petitioner requests distribution of the remaining cash and assets to "Susan Schlievert, upon her appointment" as Executor of the estate. The Court cannot order distribution on the anticipated outcome of another proceeding. Continuance may be necessary for appointment of the Executor to occur before such distribution is ordered. The hearing on appointment is set for 5-29-12, and it is unknown whether at that time it will require further information or continuance.**

Atty Teraoka, Steve G., of Teraoka & Partners, San Francisco (for Co-Petitioners Konrad Nishikawa and Patty Nishikawa, Co-Administrators)

(1) Petition for Final Distribution; (2) First and Final Report of Executors and Petition for Its Approval; (3) Petition for Payment of Attorney Fees

DOD: 1/11/2004		<b>KONRAD NISHIKAWA and PATTY NISHIKAWA</b> , children and Co-Administrators with Will annexed, are Petitioners.  Accounting is waived.  I & A - <b>\$134,800.52</b> POH - <b>\$134,800.52</b>  Co-Administrators - <b>waive</b>  Attorney - <b>\$5,044.00</b> (statutory)  Costs - <b>\$529.00</b> (filing fees, probate referee)  <b>Distribution pursuant to Decedent's Will is to:</b> • <b>KONRAD NISHIKAWA and PATTY NISHIKAWA</b> as Co-Trustees of the <b>HIROSHI AND MARY NISHIKAWA FAMILY TRUST – \$2.64</b> cash, stock, and mutual fund valued at <b>\$134,800.52</b> .	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/O
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			091807
	Duties/Supp			
	Objections			
	Video Receipt			
✓	Decl. of Trust			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice	N/A		

Reviewed by: LEG
Reviewed on: 5/10/12
Updates:
Recommendation: SUBMITTED
File 2 - Nishikawa

**Report of Sale and Petition for Order Confirming Sale of Real Property - 200 Tyler Street**

<b>DOD: 04/15/10</b>		<p><b>DANIEL M. O'QUINN</b>, Administrator without bond, is Petitioner.</p> <p><b>Sale Price</b> - <b>\$10,000.00</b>  <b>Overbid</b> - <b>\$1,000.00</b></p> <p><b>Reappraisal</b> - <b>\$26,000.00</b></p> <p><b>Property</b> - 200 Tyler St. Coalinga, CA</p> <p><b>Publication</b> - The Business Journal</p> <p><b>Buyer</b> - RICHARD A. McCABE, as his separate property</p> <p><b>Broker</b> - None</p> <p><b>Declaration of Daniel M. O'Quinn, Administrator</b> filed 01/19/12 states that the property is in a dilapidated and uninhabitable condition and he estimates that it would cost tens of thousands of dollars to correct the habitability issues (roofing, windows, lack of appropriate heat, flooring issues) and to remove junk from the premises. Based on the condition of the home, Petitioner has deemed it appropriate to sell the property to a willing investor in an as-is condition. Petitioner made inquiries to investors and was able to obtain a bid on the property. Petitioner also made inquiries with real estate brokers who market properties in the Coalinga area; however, the decision was made not to use the services of a broker because commissions and other expenses would reduce the funds available to the estate, it was also inferred, but not directly stated, by the brokers that the anticipated sales price of the property would not generate enough commission in relation to the amount of effort marketing the property would take. Petitioner states that he was granted full IAEA authority to sell the property and is also authorized by decedent's will to sell the property without a prior order of the court, but due to the circumstances, decided to seek court approval of the sale so that any interested party could express their concerns regarding the sale. Petitioner states that although the offer is less than ½ the appraised value of the property, it is his opinion that the offer is fair and reasonable given the current condition of the property, especially since the estate does not have sufficient assets to make repairs to the property to make it more marketable.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 04/18/12</u>  Minute order from 04/18/12 states:  No appearances. Matter continued to 05/16/12.</p> <p>As of 05/10/12, no new documents have been filed and the following items remain:</p> <ol style="list-style-type: none"> <li>Petition is not signed by attorney.</li> <li>Pursuant to Probate Code § 10308(c) - Need proof of service by mail at least 15 days before the hearing of the Notice of Hearing on:  - Richard A. McCabe (purchaser)  - Wells Fargo Card Services (Request for Special Notice filed 11/12/10)</li> <li>The sales price is only 38.46% of the appraised value of the property. Probate Code § 10309 states that no sale of real property at private sale shall be confirmed by the Court unless the sum offered is at least 90% of the appraised value. Need reappraisal for sale or higher offer.</li> <li>Need Order.</li> </ol>	
Cont. from 022312, 041812				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			x
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			x
<input checked="" type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

## Report of Sale and Petition for Order Confirming Sale of Real Property - 220 Tyler Street

<b>DOD: 04/15/10</b>		<b>DANIEL M. O'QUINN</b> , Administrator without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>CONTINUED FROM 04/10/12</u> Minute order from 04/10/12 states: No appearances. Matter continued to 05/16/12  As of 05/10/12, no new documents have been filed and the following items remain: 5. Petition is not signed by attorney. 6. Petition states that the appraised value of the property is \$22,000.00; however, according to the Inventory & Appraisal filed 12/28/11, the property is valued at \$26,000.00. 7. Pursuant to Probate Code § 10308(c) - Need proof of service by mail at least 15 days before the hearing of the <i>Notice of Hearing</i> on: - Richard A. McCabe (purchaser) - Wells Fargo Card Services (Request for Special Notice filed 11/12/10) 8. The sales price is only 38.46% of the appraised value of the property. Probate Code § 10309 states that no sale of real property at private sale shall be confirmed by the Court unless the sum offered is at least 90% of the appraised value. Need reappraisal for sale or higher offer. 9. Need Order.
		<b>Sale Price</b> - \$10,000.00	
		<b>Overbid</b> - \$1,000.00	
<b>Cont. from 022312, 041812</b>		<b>Reappraisal</b> - \$22,000.00	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<b>Property</b> - 220 Tyler St. Coalinga, CA	
<input checked="" type="checkbox"/>	<b>Verified</b>	<b>Publication</b> - The Business Journal	
<input type="checkbox"/>	<b>Inventory</b>	<b>Buyer</b> - RICHARD A. McCABE, as his separate property	
<input type="checkbox"/>	<b>PTC</b>	<b>Broker</b> - None	
<input type="checkbox"/>	<b>Not.Cred.</b>	<b>Declaration of Daniel M. O'Quinn, Administrator</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b>filed 01/19/12</b> states that the property is in a dilapidated and uninhabitable condition and he estimates that it would cost tens of thousands of dollars to correct the habitability issues (roofing, windows, lack of appropriate heat, flooring issues) and to remove junk from the premises. Based on the condition of the home, Petitioner has deemed it appropriate to sell the property to a willing investor in an as-is condition. Petitioner made inquiries to investors and was able to obtain a bid on the property. Petitioner also made inquiries with real estate brokers who market properties in the Coalinga area; however, the decision was made not to use the services of a broker because commissions and other expenses would reduce the funds available to the estate, it was also inferred, but not directly stated, by the brokers that the anticipated sales price of the property would not generate enough commission in relation to the amount of effort marketing the property would take. Petitioner states that he was granted full IAEA authority to sell the property and is also authorized by decedent's will to sell the property without a prior order of the court, but due to the circumstances, decided to seek court approval of the sale so that any interested party could express their concerns regarding the sale. Petitioner states that although the offer is less than ½ the appraised value of the property, it is his opinion that the offer is fair and reasonable given the current condition of the property, especially since the estate does not have sufficient assets to make repairs to the property to make it more marketable.	
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input checked="" type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

(1) First Account current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney and (3) for Dispensation of Further Accounts [Prob. C. 2620; 2623; 2628; 2630; 2942]

Age: 77	<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.  Account period: 12-14-10 through 12-31-11  Accounting:       \$ 17,028.30 Beginning POH: \$    255.22 Ending POH:     \$   537.86 (cash)  Conservator: \$5,005.92 (43.12 Deputy hours @ \$96.00/hr plus 11.40 Staff hours @ \$76.00/hr, itemized)  Attorney: \$2,000.00 (per local rule)  Bond fee: 25.00 (ok)  Petitioner states that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed for any unpaid balances of the authorized fees and commissions.  Petitioner states the conservatorship estate meets the requirements of Probate Code §2628(a) to dispense with further accountings, and requests to dispense with further accountings pursuant to Probate Code §2628(a).  <b>Petitioner prays for an Order:</b> 1. Approving, allowing and settling the first account; 2. Authorizing conservator and attorney fees and commissions; 3. Authorizing payment of the bond fee; 4. Authorizing Petitioner to impose a lien on the estate for any unpaid balances of the authorized fees and commissions; 5. Dispensation of further accounts; and 6. Other relief that the Court considers proper.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
DOB: 2-27-35		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail      W		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Reviewed by: skc

Reviewed on: 5-10-12

Updates:

Recommendation:

File 4 – Geringer-Veach

## (1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prop. C. 2620; 2623; 2942]

<b>Age: 84</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOB: 1-22-28</b>			
		Account period: 12-8-10 through 2-13-12	<p><b>Note:</b> Timothy Moore, son, was appointed Conservator of the Person and Public Guardian was appointed Conservator of the Estate on 2-17-11.</p> <p><b>Note:</b> "Notice of Change of Address" was filed 9-9-11 for the Conservatee by Timothy Moore (represented by Attorney Patricia Bone O'Neill). Examiner notes that this is an incorrect form to for a Conservatee. The appropriate form is the "<u>Post-Move Notice of Change of Residence of Conservatee</u>" (GC-080) because it contains the mandatory statements required by Probate Code §2352 and Cal. Rules of Court 7.1063, including a statement regarding the placement as the least restrictive alternative, etc.</p> <p><b>1. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on Timothy Moore, Conservator of the Person, and his attorney, Nancy LeVan, per Probate Code §§ 1460(b)(1) and 1214 and Cal. Rules of Court 7.51.</b></p> <p>(Notice of Hearing filed 4-11-12 does not include Timothy Moore.)</p>
		Accounting: \$309,117.55	
		Beginning POH: \$253,162.04	
		Ending POH: \$192,342.72 (cash)	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Conservator: \$3,642.40 (27.65 Deputy hours @ \$96.00/hr plus 13.00 Staff hours @ \$76.00/hr)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Attorney: \$2,000.00 (per local rule)	
<input type="checkbox"/>	<b>Inventory</b>	Bond fee: \$678.58 (ok)	
<input type="checkbox"/>	<b>PTC</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>	1. Approving, allowing, and settling the first account;	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	2. Authorizing conservator and attorney fees and commissions;	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	3. Authorizing payment of the bond fee; and	
<input type="checkbox"/>	<b>Aff.Pub.</b>	4. Other relief the Court considers proper.	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>2620(c)</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 5-11-12	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 5 - Dunn</b>	



Petition for Probate of Will and for Letters of Administration with Will Annexed;  
Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 7/7/2011		<b>PUBLIC ADMINISTRATOR</b> is petitioner and requests appointment as Administrator with Will Annexed.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 4/4/12.</b> As of 4/11/12 the following issues remain:  1. #8 of the Petition does not include all persons named in decedent's Will.  2. Petition indicates that the decedent was survived by issue of a predeceased child. # 8 of the petition does not list any issue of a predeceased child.  3. Proof of service for Gage Anthony Cervelli lists his address as unknown. Need declaration of due diligence.  4. Need proof of service of the Notice of Petition to Administer the Estate on: a. Violet Luchille Riser b. Issue of any predeceased child
Cont. from 040412			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Petn	w/	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Full IAEA – ok.

Will dated: 12/19/2003

Residence: Fresno  
Publication: Fresno Business Journal

**Estimated value of the Estate:**  
Real property- **\$144,316.38**

**PROBATE REFEREE: Steven Diebert**

Reviewed by: KT
Reviewed on: 4/11/12
Updates:
Recommendation:
File 7- Cervelli

**Status Hearing Re: Filing of Inventory and Appraisal (Flores')**

<b>Age: 16</b> <b>DOB: 06/02/95</b>	<b>ESPIRIDION FLORES</b> and <b>VIRGINIA FLORES</b> , maternal uncle and aunt, served as guardian of the person and estate from 09/17/09 – 01/25/12. The order required all of the minor's monies to be deposited in a blocked account. A declaration filed 04/10/10 indicates that the minor's blocked account had a balance of \$42,199.72.  On 11/22/11, <b>MARY MORALES</b> , maternal grandmother, petitioned to terminate the guardianship of Mr. & Mrs. Flores and petitioned to be appointed as Guardian of the Person and Estate.  <b>MARY MORALES</b> , maternal grandmother, was appointed guardian of the person and estate on 01/25/12.  <b>Minute Order from 01/25/12</b> set this matter for status re filing the Inventory & Appraisal.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONTINUED FROM 04/18/12</b></u> <b>Minute Order from 04/18/12 hearing states: The Court directs the parties to file an inventory &amp; appraisal. The matter is continued to 05/16/12.</b>  <b>As of 05/10/12, no additional documents have been filed and the following remains outstanding:</b>  <div style="text-align: center;"> <b>1. Need Inventory &amp; Appraisal.</b> </div>
<b>Cont. from 041812</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>	<input checked="" type="checkbox"/>	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: JF</b>
		<b>Reviewed on: 05/10/12</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 13 - Morales</b>

Age: 15 years DOB: 06/13/97	<b>ANGELA M. RODRIGUEZ</b> , sister, was appointed guardian on 7/28/10.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Father: <b>ROBERT RODRIGUEZ</b> Mother: <b>SALLY HERNANDEZ</b> , deceased	Continued from 11/16/11. Minute order states Angela Rodriguez is appearing via conference call. Ms. Rodriguez informs the court that she still has residence in California. The court continues the matter to 5/16/12. If the guardianship is established in Oregon and this court receives notification by 5/16/12, no appearance will be necessary.
Cont. from 091411, 111611	Petitioner/Guardian, <b>ANGELA M. RODRIGUEZ</b> , filed a Petition to Fix Residence Outside the State of California on 01/12/11. Said Petition was heard on 02/02/11 and states that a guardianship or its equivalent shall be commenced in the state of the new residence no later than 9/1/11.	
Aff.Sub.Wit.	This status hearing is for the status of establishing a guardianship or its equivalent in the State of Oregon.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 5/11/12
		Updates:
		Recommendation:
		File 14 - Hernandez

Age: 12 DOB: 10/18/99	<b><u>TEMPORARY EXPIRES 05/16/12</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>PAMELA JOY NEWMAN</b> , paternal grandmother, is Petitioner.	<b><u>CONTINUED FROM 04/23/12</u></b>
	Father: <b>ROBERT NEWMAN</b> – <i>personally served 09/10/11</i>	As of 05/10/12, the following items remain outstanding:
Cont. from 110811, 012412, 042312	Mother: <b>SHANNON RAFFA</b> – <i>court dispensed with notice on 09/19/11</i>	1. Need proof of personal service of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Guardianship</i> at least 15 days before the hearing <u>or</u> Consent and Waiver of Notice for:
Aff.Sub.Wit.	Paternal grandfather: <b>ROBERT NEWMAN</b> – <i>deceased</i>	- Caitlin Newman (minor)
✓ Verified	Maternal grandfather: <b>GREG RAFFA</b> – <i>served by mail 09/26/11</i>	
Inventory	Maternal grandmother: <b>JOAN RAFFA</b> – <i>served by mail 09/26/11</i>	
PTC	Petitioner states that Caitlin's father is abusing her. He does not take care of her needs and spends her public assistance on drugs for himself. Petitioner states that Caitlin lived with her for several years in the past before living with her father. Petitioner states that she and Caitlin have a good relationship and Caitlin wants to live with her again.	
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order	<b>Declaration of Jacqueline Thornton, great-grandmother, filed 11/03/11</b> states that Caitlin and her father (Robert Newman) have lived in her home for the past year. Ms. Thornton states that she has witnessed Mr. Newman being verbally and physically abusive to Caitlin. She further states that Mr. Newman continues to use drugs. Ms. Thornton states that she does not believe that Mr. Newman should be raising his daughter under these conditions and asks the court to appoint Pamela Newman as guardian of Caitlin.	<b>Reviewed by:</b> JF
Aff. Posting		<b>Reviewed on:</b> 05/10/12
Status Rpt		<b>Updates:</b>
✓ UCCJEA		<b>Recommendation:</b>
Citation		<b>File 16 - Newman</b>
FTB Notice	<b>Court Investigator Julie Negrete's report was filed 11/03/11.</b>	

DSS Social Worker Melissa Arredondo's report was filed 11/07/11.

**Declaration filed 04/24/12 attached a statement from the minor, Caitlin Newman and the Petitioner. The statement of Caitlin Newman** states that visiting with her dad is making her anxious at both home and school and she is biting the skin off of her fingers so badly that they bleed sometimes, she also states that she has had a few nightmares about her father. She states that she does not want to visit with her father until he goes to rehab, parenting classes, and anger management classes because he has a very bad temper. She states that she would like proof of his attending all of these things before visiting with him in the future. **The statement of Pamela Newman** states that Caitlin has been seeing a psychologist since she has lived with her and is a lot more outgoing and more herself. She states that she feels Caitlin's father is putting forth an effort to make things right between he and Caitlin but she has seen this pattern many times and feels he needs rehab or else it will be just a matter of time before he relapses. She states that she feels Caitlin's wishes about visiting with her father should be considered as she has resumed having nightmares, chewing the skin off her fingertips and having panic attacks since visitation with her father began.

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

<b>Age: 12</b>		<b>NO TEMPORARY REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOB: 11-20-99</b>		<b>TAMIA M. LEAVY</b> , Sister, is Petitioner.	<u>Minute Order 11-30-11</u> : Examiner Notes provided to Petitioner. Petitioner is directed to cure the defects. The Court continues the matter to 2-1-12. The Court orders that a Court Investigator contact CPS to follow up on the Petitioner's participation in the programs she was directed to attend during the TDM.
		Father: <b>Deceased</b>	<u>Minute Order 2-1-12</u> : No appearances. The Court continues the matter to 3-14-12. A copy of the minute order was mailed to Petitioner on 2-3-12.
		Mother: <b>Deceased</b>	<u>Minute Order 3-14-12</u> : Petitioner informs the Court that she and the minor are scheduled to begin classes on 3-27-12. Examiner Notes provided to Petitioner; Petitioner directed to cure the defects. Matter continued to 4-18-12. The Court orders that a Court Investigator contact Petitioner and minor to follow up with their participation in classes.
<b>Cont. from 113011, 020112, 031412, 041812</b>		Paternal Grandfather: Not listed Paternal Grandmother: Not listed	<u>Minute Order 4-18-12</u> : Examiner notes are provided to Petitioner. Petitioner is directed to cure the defects.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Maternal Grandfather: Not listed Maternal Grandmother: Austrila Vines	<u>Note: This is the 5<sup>th</sup> hearing on this petition; however, nothing has been filed since 9-28-11 (the date the original petition was filed). Petitioner has been provided with the Examiner Notes multiple times and has been unavailable to the Court Investigator. Guardianship cannot go forward without the following mandatory items:</u>
<input checked="" type="checkbox"/>	<b>Verified</b>	Siblings: Dewayne Gaster, Tehada Hale (ages not listed)	1. Need Confidential Guardianship Screening Form (GC-212).
<input type="checkbox"/>	<b>Inventory</b>	<b>Petitioner states</b> she is the only thing close to a mother that he has and requests to let him stay close to home. She loves her brother and has taken care of him his whole life and knows he wants to succeed in life.	2. Need Duties of Guardian (GC-248)
<input type="checkbox"/>	<b>PTC</b>		3. Need Notice of Hearing.
<input type="checkbox"/>	<b>Not.Cred.</b>		4. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice on <u>Lorenzo D. Leavy (age 12)</u> .
<input type="checkbox"/>	<b>Notice of Hrg</b>	<input checked="" type="checkbox"/>	5. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:
<input type="checkbox"/>	<b>Aff.Mail</b>	<input checked="" type="checkbox"/>	- Paternal Grandfather
<input type="checkbox"/>	<b>Aff.Pub.</b>		- Paternal Grandmother
<input type="checkbox"/>	<b>Sp.Ntc.</b>		- Maternal Grandfather
<input type="checkbox"/>	<b>Pers.Serv.</b>	<input checked="" type="checkbox"/>	- Maternal Grandmother
<input type="checkbox"/>	<b>Conf. Screen</b>	<input checked="" type="checkbox"/>	- Tehada Hale (Sibling age 35)
<input type="checkbox"/>	<b>Letters</b>	<input checked="" type="checkbox"/>	- Shaniea Easter (Sibling age 30)
<input type="checkbox"/>	<b>Duties/Supp</b>	<input checked="" type="checkbox"/>	- Dewayne Easter (Sibling age 29)
<input type="checkbox"/>	<b>Objections</b>		- Hosea Leavy (Sibling age 21)
<input type="checkbox"/>	<b>Video Receipt</b>		- Latifah Leavy (Sibling age 19)
<input checked="" type="checkbox"/>	<b>CI Report</b>		- Marquise Leavy (Sibling age 15)
<input checked="" type="checkbox"/>	<b>Clearances</b>		- Parent/Guardian of Marquise
<input type="checkbox"/>	<b>Order</b>	<input checked="" type="checkbox"/>	- Any other siblings age 12 or older, and parent or guardian, if still a minor
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		Reviewed by: skc
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		Reviewed on: 5-10-12
<input type="checkbox"/>	<b>Citation</b>		Updates:
<input type="checkbox"/>	<b>FTB Notice</b>		Recommendation:
			File 17 - Leavy

Pro Per Trujillo, Darlene (Pro Per Petitioner, maternal grandmother)

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 6 years	<b>TEMPORARY GRANTED ON THE COURT'S OWN MOTION EXPIRES 5/16/2012</b>  <b>DARLENE TRUJILLO</b> , maternal grandmother, is Petitioner  Father: <b>UNKNOWN</b> ; Declaration of Due Diligence filed 1/27/2012; Court dispensed with notice on 3/28/2012.  Mother: <b>JESSICA TRUJILLO</b> ; incarcerated; Declaration of Due Diligence filed 1/27/2012;  Paternal grandfather: Unknown; Declaration of Due Diligence filed 1/27/2012; Paternal grandmother: Unknown; Declaration of Due Diligence filed 1/27/2012;  Maternal grandfather: Ralph Trujillo; Declaration of Due Diligence filed 1/27/2012;  <b>Petitioner states</b> the child has lived with her for over two years, as the mother is on drugs and homeless. Petitioner states the mother's whereabouts are unknown as she has not come to visit the child since June 2011, when she showed up on drugs at Petitioner's house wanting to visit the child. Petitioner states in October 2009, the mother, whose other child has been adopted by another family, had left the child with Petitioner's other daughter and never returned for the child, and Petitioner has raised the child since that time. Petitioner needs guardianship of the child to be able to make legal decisions for her.  <b>Court Investigator Samantha Henson's Report was filed 3/21/2012.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 3/28/2012.</u> Minute Order states the Court dispenses with further notice to father. The Petitioner is directed to provide notice to the mother. The Court on its own motion grants a temporary guardianship of the person in favor of Darlene Trujillo.  1. Need Notice of Hearing and proof of personal service with a copy of the Petition for Appointment of Guardian, or a signed Consent to Appointment of Guardian and Waiver of Notice, for: • Jessica Trujillo, mother.
DOB: 1/26/2006		
Cont. from 032812		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		X
Aff.Mail		N/A
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		X
✓ Conf. Screen		
Aff. Posting		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
✓ Clearances		
✓ Order		
✓ Letters		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		

Reviewed by: LEG

Reviewed on: 5/10/12

Updates:

Recommendation:

File 18- Trujillo

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

			<b>MICHAEL R. HAYS</b> , son/named executor without bond, is petitioner.  Full IAEA – o.k.  Will dated: 11/1/10  Residence: Fresno Publication: Fresno Business Journal  Estimated value of the estate: Personal property - \$161,416.57  <b>Probate Referee: STEVEN DIEBERT</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Cont. from 051412				
	Aff.Sub.Wit.	S/P		
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
✓	Aff.Mail	W/		
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 5/11/12	
			Updates:	
			Recommendation: SUBMITTED	
			File 19 – Hays	